

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6091 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
D J PATEL

Versus

STATE OF GUJARAT

-----  
Appearance:

MR HB SHAH for Petitioners

MR KAMAL MEHTA, Ld. AGP for Respondents.

-----  
CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 07/10/98

ORAL JUDGEMENT

The petitioners seek a direction on the respondent-State Government to appoint them to the posts of Agricultural Officer Class-II, by reverting ad-hoc appointees, if necessary, and to give them seniority from the date of their selection by the Gujarat Public Service Commission, and other benefits as may be admissible on that post.

2. According to the petitioners, they are qualified to the posts of Agricultural Officers Class-II, and they were serving as Agricultural Supervisors since long. The next higher post of promotion is that of Agricultural Officer Class-II in the scale of Rs.550-900. There were 36 vacancies at the relevant time in the year 1984. The Gujarat Public Service Commission gave an advertisement on 10-6-1986 inviting applications for the said posts. The petitioners who were qualified and eligible applied for the said posts. Under the relevant Recruitment Rules, the vacancies were to be filled in the ratio of 67:33 from amongst promotees and direct recruits. According to the petitioners, they were selected by the GPSC for the said higher post of Agricultural Officer Class-II, as per the communication received by them which is at Annexure 'B' to the petition. The list of 36 candidates who were selected by the G.P.S.C. was published on 16-7-1986, in which these petitioners figured and on the basis of which they had received communication dtd.31-7-1986 from the G.P.S.C. According to the petitioners, in stead of issuing their appointments, the State Government had in the meanwhile, requisitioned the services of Class II Officers, appointing 54 Agricultural Supervisors to the said higher post of Agricultural Officers on ad-hoc basis till the GPSC candidates were available. These ad-hoc appointees could have continued in these posts only till the candidates selected by the GPSC were made available, and were liable to be reverted to their substantive post. The State Government, however, despite the preparation of the list which included petitioners' names, did not issue appointments to the said posts in which ad hoc appointees were continued. That is why the petitioners prayed for appointment to the post of Agricultural Officers Class II on the basis of their selection made by the GPSC.

3. When the petition was admitted on 2nd January, 1987, the court issued a direction on the respondents to take appropriate steps to appoint these petitioners who were duly selected by the GPSC on or before 31.1.1987. It was noted in that order, that the ad hoc appointees whose names were mentioned at Annexure 'D' to the petition were appointed purely on temporary basis till candidates duly selected by GPSC were available, but, no action was taken by the respondents, though the selection was finalised in July '86. In view of this direction, which seems to have been implemented within the time frame mentioned therein; the grievance of the petitioners does not survive, since the petitioners have already been appointed pursuant to this direction. The petition has therefore become infructuous. Rule is discharged with no

order as to costs.

\*\*\*\*\*

syed\*